

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 00-878
ACTION AGAINST)	
)	
Vancouver School District)	Notice of Administrative
)	Charges
)	
Respondent.)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Commission, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.680 states in part:

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's

request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

III. **BACKGROUND**

On February 4, 2000, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging that the Vancouver School District was in violation of RCW 42.17.680 for failing to maintain for public inspection copies of employees' requests for payroll deductions of contributions to the Washington Education Association's political committee, "Washington Education Association – Political Action Committee" (WEA-PAC). PDC staff reviewed the complaint and the response from the Vancouver School District.

IV. **FACTS**

These charges incorporate the Report of Investigation and all exhibits by reference.

Failure to Maintain Open for Public Inspection Employees' Payroll Deduction Authorization Forms For Contributions to a Political Committee (RCW 42.17.680(4))

Jami Lund of the Evergreen Freedom Foundation visited the Vancouver School District on February 3, 2000 and asked to see the District employees' requests authorizing payroll deductions for contributions to WEA-PAC. When Mr. Lund arrived at the Vancouver School District he spoke with Wendie Bromley and the Payroll Supervisor, Roberta Pfingsten. Mr. Lund was told that the payroll deduction authorization forms for contributions to WEA-PAC were not in the possession of the District, but rather, in the possession of the Vancouver Education Association.

Kathryn Wells Murdock, District General Counsel, confirmed that on and prior to February 3, 2000, the District housed its copies of signed WEA-PAC payroll deduction authorization forms at the Vancouver Education Association office. Ms. Murdock said the authorization forms were available to any member of the public upon request at the Association's office. She said the District believed storing the authorization forms at the Association rather than on District premises did not restrict the public's access to the information and met the intent of RCW 42.17.680.

As of February 11, 2000, the District had obtained copies of the WEA-PAC authorization forms from the Vancouver Education Association for the 1999-2000 school year and for the previous two school years. Ms. Murdock said any member of the public requesting to review the forms would be provided redacted copies of the forms, in order to protect the Social Security number of the employees authorizing contributions to WEA-PAC.

V.
CONCLUSION

Staff alleges, based on the facts specified in Section IV, that the Vancouver School District violated **RCW 42.17.680(4)** by failing to maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts required by RCW 42.17.680 including a copy of each employee's request for withholding wages for the purpose of making contributions to a political committee.

RESPECTFULLY SUBMITTED this _____ day of _____, 2000.

Philip E. Stutzman
Director of Compliance